



## Legislation Details (With Text)

**File #:** O-439-20      **Version:** 1      **Name:**  
**Type:** Ordinance      **Status:** Approved  
**File created:** 10/19/2020      **In control:** Public Utilities Department  
**On agenda:** 11/4/2020      **Final action:** 11/4/2020  
**Title:** Authorizing the expenditure of an amount not to exceed \$170,000 from the Sewer Operating Fund and Storm Water Utility Operating Fund for the emergency replacement of the combination sewer at Dorr & Junction; authorizing the mayor to enter into necessary agreements with Edward Kelly and Sons; waiving the competitive bidding requirement of TMC 187; and declaring an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Bullet Points

Date	Ver.	Action By	Action	Result
11/4/2020	1	City Council		
11/4/2020	1	City Council		
11/4/2020	1	City Council		

**DORR JUNCTION REPAIR**

Division of Sewer & Drainage Services

Calvin Harris (x2170)

(Revised)

**Authorizing the expenditure of an amount not to exceed \$170,000 from the Sewer Operating Fund and Storm Water Utility Operating Fund for the emergency replacement of the combination sewer at Dorr & Junction; authorizing the mayor to enter into necessary agreements with Edward Kelly and Sons; waiving the competitive bidding requirement of TMC 187; and declaring an emergency.**

**SUMMARY & BACKGROUND:**

The existing combination sewer and manhole near Dorr & Junction collapsed, causing a large sink hole in the street and blockage of the sewer. Emergency repair was necessary to ensure the health and safety of the public. Due to the depth (35') of the excavation and the size of the sewer (48"), the Division of Engineering Services was requested to work with a contractor to replace this section of sewer. Edward Kelly and Sons was the vendor hired to perform the sewer work. Sufficient funds are available within the Sewer Operating Fund and Storm Water Utility Operating Fund to pay for this emergency sewer replacement.

The fiscal impact of this ordinance is as follows:

- The amount of funds requested: \$170,000
- The expenditure budget line items: 6070-37000-4000558STDSTD (\$119,000)  
607A-37000-4000559STDSTD (\$51,000)
- New revenue generated (operational revenue, grants, if any): none
- Revenue budget line item (if any): none

- Are funds budgeted in the current fiscal year (yes/no)? yes
- Is this a capital project (yes/no)? no
- If yes, is it new or existing (new/existing)? N/A
- What section of the City's Strategic Plan does this support:
  - o Excellence in Basic Services (yes/no) yes
  - o Quality Community Investment (Livable City, Development) (yes/no) yes
  - o Workplace Culture & Customer Service (yes/no) yes
  - o Environment (yes/no) yes

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That an expenditure in an amount not to exceed \$119,000 is authorized from the Sewer Operating Fund, Account Code 6070-37000-4000558STDSTD, and an expenditure in an amount not to exceed \$51,000 is authorized from the Storm Water Utility Operating Fund, Account Code 607A-37000-4000559STDSTD for the emergency replacement of the combination sewer on Dorr & Junction.

SECTION 2. That the mayor is authorized to enter into an agreement with Edward Kelly & Sons for the purpose listed in Section 1 upon such terms and conditions as approved by the Director of Public Utilities and the Director of Law.

SECTION 3. That this Council finds it in the best interest of the city to waive the competitive procurement requirements of Chapter 187 of the Toledo Municipal Code for the reason that emergency repairs were needed to maintain uninterrupted utility services, Edward Kelly & Sons has demonstrated the capacity to quickly address emergency needs, and for the further reason that the repair cost has been deemed reasonable by the Director of Public Utilities.

SECTION 4. That the Director of Finance is authorized to issue his warrant or warrants against the account codes listed in Section 1 above in a total amount not to exceed \$170,000 in payment of the above-authorized obligations upon presentation of the proper voucher or vouchers.

SECTION 5. That this Ordinance is declared to be an emergency measure and shall take effect and be in force immediately from and after its passage. The reason for the emergency lies in the fact that this ordinance is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that this ordinance must be immediately effective in order to reimburse the contractors for their emergency work.

Vote on emergency clause: yeas 12, nays 0.

Passed: November 4, 2020, as an emergency measure: yeas 12, nays 0.

Attest:

Gerald E. Dendinger  
Clerk of Council

Matt Cherry  
President of Council

Approved:

November 5, 2020  
Wade Kapszukiewicz  
Mayor